

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF TEXAS

3 SAN ANTONIO DIVISION

4 UNITED STATES OF AMERICA, § CRIMINAL NO. 5:14-1014(3)-OLG

5 §

6 v.

§

§ September 8, 2016

7 §

8 MIKE PACE,

§

§

9 DEFENDANT.

§

10 TRANSCRIPT OF SENTENCING
11 BEFORE THE HONORABLE ORLANDO L. GARCIA
12 CHIEF DISTRICT COURT JUDGE

13 APPEARANCES:

14 For the Government: MIKE HARDY, AUSA
Office of US Attorney
601 NW Loop 410, Suite 600
San Antonio, Texas 78216

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16 For the Defendant: DEBRA PARKER, ESQ.
111 Soledad St., Suite 300
17 San Antonio, TX 78205-2321

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24 Produced by mechanical stenography; computer-aided
25 transcription

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P-R-O-C-E-E-D-I-N-G-S

THE COURT: Okay. Now proceeding to U.S. v. Mike Pace, Cause Number 14-CR-1014.

MR. HARDY: Mike Hardy for the United States.

MS. PARKER: Debra Parker for Mr. Pace.

THE COURT: Thank you, Ms. Parker. Okay. Is Mr. Pace here?

MS. PARKER: Yes.

THE COURT: Mr. Pace, have you reviewed the presentence report in your case?

DEFENDANT PACE: Yes, sir.

THE COURT: And do you understand the contents of the report?

DEFENDANT PACE: Yes, sir.

THE COURT: Okay. And there being no objections, the applicable guidelines are offense level 29, category two, a range of punishment of 97 to 121 months, one to three years, rather, three years to life, supervised release. There will be no fine, as recommended by the probation department. One hundred-dollar special assessment.

What says the government?

MR. HARDY: We have no objection to a guideline sentence. We request a search condition that's in Paragraph 66.

THE COURT: Okay.

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1 MR. HARDY: And we move to dismiss the original
2 indictment.

3 MS. PARKER: Your Honor, we would ask for a
4 downward departure from the guideline range. If the Court
5 recalls, Mr. Pace was examined by a psychiatrist on the issue
6 of competency. He was found to be competent, however,
7 several years ago Mr. Pace ingested Antifreeze and was
8 hospitalized for a significant period of time.

9 THE COURT: And let me ask you, what is his mental
10 health ailments that led to the necessity of seeing a
11 psychiatrist?

12 MS. PARKER: He--

13 THE COURT: In other words, is he diagnosed? What
14 is his diagnosis?

15 MS. PARKER: He has no diagnosis at this time but
16 the results, we believe, of that ingestion of Antifreeze.

17 THE COURT: Was that an attempted suicide or was
18 that for another reason?

19 MS. PARKER: He says it occurred around the time
20 that he was having marital issues but he doesn't recall.

21 THE COURT: Okay. Good enough. Anything else?

22 MS. PARKER: Just that he has significant memory
23 loss related to this.

24 THE COURT: Okay. Anything else?

25 MS. PARKER: No, Your Honor.

1 THE COURT: Okay. Mr. Pace, would you like to say
2 something on your behalf?

3 DEFENDANT PACE: Yes, I would just like to
4 apologize to the court--

5 THE COURT: You would like to what?

6 DEFENDANT PACE: -- to apologize to the court for
7 allowing my issues to take over my life and get in front of
8 you, Your Honor.

9 THE COURT: Okay. The Court having considered the
10 guidelines, will impose the search condition. The original
11 indictment is dismissed. Will impose a sentence of 90 months
12 upon Mr. Pace. Thereafter, to be placed on supervised
13 release for five years. The search condition shall attach to
14 the judgment, which is in addition to the standard
15 conditions. There will be no fine, as recommended. There is
16 the 100-dollar special assessment.

17 The defendant does have the right to appeal this
18 sentence, unless previously waived. This document is sealed,
19 available for appellate review, if any. Anything else,
20 counselor?

21 MS. PARKER: Your Honor, that he be incarcerated
22 somewhere close to this area. He is from Kerville.

23 THE COURT: Okay. The recommendation to be placed
24 at Three Rivers, Texas or somewhere close to Bexar County,
25 Texas. Anything else?

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1 MS. PARKER: And the drug program.

2 THE COURT: The drug-treatment program will be
3 included. Okay.

4 DEFENDANT PACE: Your Honor, can I ask a question?
5 I'm trying to figure out how I got to a category two.

6 THE COURT: What difference does it make? Your
7 question is, How did you end up in County Court 2?

8 DEFENDANT PACE: Yes. I thought Mr. Villarreal had
9 said you only went back on misdemeanors ten years.

10 THE COURT: Did you have an attorney? I'm not sure
11 about that. Did you have an attorney in state court?

12 DEFENDANT PACE: No -- or I'm sure I did.

13 THE COURT: Well, what was your sentence in state
14 court?

15 DEFENDANT PACE: It was unsupervised probation.

16 THE COURT: It was what?

17 DEFENDANT PACE: Six months unsupervised probation.

18 THE COURT: No, no, no. Did I say sentence, I'm
19 sorry. What was your charge in state court?

20 DEFENDANT PACE: Battery on a household member.

21 THE COURT: Battery on what?

22 DEFENDANT PACE: On a household member in 2000.

23 THE COURT: But you must have had a lawyer.

24 DEFENDANT PACE: I'm assuming I did.

25 THE COURT: Well, in any event, you take up that

1 issue with the state court and not here, okay.

2 DEFENDANT PACE: Okay.

3 THE COURT: Thank you. You're excused.

4 (End of sentencing.)

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1 UNITED STATES DISTRICT COURT)

2 WESTERN DISTRICT OF TEXAS)

3 I certify that the foregoing is a correct
4 transcript from the record of proceedings in the
5 above-entitled matter. I further certify that the transcript
6 fees and format comply with those prescribed by the Court and
7 the Judicial Conference of the United States.

8 Date signed: December 8, 2016.

9
10 /s/ Leticia Ornelas Rangel

11 **LETICIA O. RANGEL**

12 United States Court Reporter
13 655 East Cesar E. Chavez Blvd.,
14 Room 319A
15 San Antonio, Texas 78206
16 (210) 244-5039
17
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19
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21
22
23
24
25

Leticia Ornelas Rangel, CSR